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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,622	03/15/2004	Shigeru Yamazaki	58799-106	8405

7590 03/08/2005  
McDermott, Will & Emery  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER

FIGUEROA, NATALIA

ART UNIT PAPER NUMBER

2651

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/799,622

Applicant(s)

YAMAZAKI ET AL.

Examiner

Natalia Figueroa

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/15/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 15 March 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

2. Claims 20 and 21 are objected to because of the following informalities: Claims 20 and 21 both depend on claim 1, which is not disclosed. Examiner suggests claims 20 and 21 depend upon claim 19. Refer to the claims mentioned above, review and make the necessary corrections. Appropriate correction is required.

3. Claim 20 is objected to because of the following informalities: Examiner suggests that instead of "plurality of magnetic head", replace with -plurality of magnetic heads-. Verify and correct accordingly. Appropriate correction is required.

4. Claim 20 is objected to because of the following informalities: Verify "the stationary drum ins provided", it should read -the stationary drum is provided-. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han (USPN 5,369,534) in view of Kubota et al (USPN 5,065,259), hereinafter Kubota.

RE claim 19, Han discloses a recording/reproducing apparatus (abstract and col. 1, lines 18-19), comprising a rotary drum mounted with a plurality of magnetic heads (fig. 2 and col. 2, lines 30 and 32-35); a stationary drum opposite to the rotary drum (fig. 2 and col. 2, line 31); a rotary transformer which transmits signals between the rotary drum and the stationary drum (fig. 2 and col. 2, lines 26-28, 39-42 and 48-52); and a recorder/reproducer which records/reproduce signals onto/from a recording medium with the plurality of magnetic head (fig. 2 and col. 2, lines 26-28 and 48-59), wherein; the rotary drum is provided with the recorder/reproducer (abstract, fig. 2 and col. 2, lines 57-59), and a information signal generator which generates information signal indicating the operating conditions of the recorder/reproducer (abstract and col. 2, lines 48-56); a control signal generator which generates control signals for controlling the recorder/reproducer (abstract and col. 43-46), and the information signals and the control signals are transmitted by the rotary transformer (fig. 2 and col. 2, lines 26-28, 39-42 and 48-52). Han fails to explicitly teach that the stationary drum is provided with a information signal decoder

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which discriminates the information signals, and that the control signal generator generates the control signals based on the result of discrimination of the information signal decoder. However, Kubota discloses such on (abstract, fig. 1 and col. 15, line 66-col. 16, line 14).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to improve the apparatus as disclosed by Han with the above teachings from Kubota to provide a decoder, that produces plural kind of data rates hence controlling the generating control signals as desired.

RE claim 20, Han further discloses that both the information signals and control signals are transmitted by the same channel of the rotary transformer (abstract and col. 2, lines 27-29 and 39-59).

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Han and Kubota and further in view of Takeuchi et al (USPN 5,517,369), hereinafter Takeuchi and Ohtsuka et al (USPN 5,260,843), hereinafter Ohtsuka.

RE claim 21, the combination of Han and Kubota is relied upon for the same reasons of rejection as stated above. Han further discloses that the information signals is the information whether the signal from the recording medium is reproduced or not by the magneto resistive heads (abstract and col. 2, lines 48-59). Han and Kubota fail to explicitly teach that the plurality of magnetic heads includes magneto resistive heads. However, Takeuchi discloses such on (fig. 1, abstract and col. 1, lines 11-13). Han, Kubota and Takeuchi fail to explicitly teach that the control signals control to reduce the supplying currents to the magneto resistive heads when the signal from the recording medium is not reproduced during reproducing mode. However, Ohtsuka discloses such on (abstract and col. 4, lines 37-51).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to improve the apparatus as disclosed by Han and Kubota with the above teachings from Takeuchi and Ohtsuka to provide for adjusting the current provided to the heads hence avoiding errors in the data.

*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Figueroa whose telephone number is (703) 305-1260. The examiner can normally be reached on Monday - Thursday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NFM

  
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